

## Dangers of improper dumping

As previously mentioned, improperly dumping human waste by recreational boaters and commercial fisherman poses a real threat to consumers of raw oysters. The Louisiana Administrative Code (LAC), Title 51, Part 9, Chapter 3, Section 305, as a minimum safeguard, requires vessels handling shellfish for two or more hours to be equipped with a covered container. This container must have at least two gallons capacity for each person on board. Section 307 of the same chapter forbids disposing of human waste out of any boat into or next to oyster growing waters.

## How are harvest waters sampled?

DHH/OPH has about 800 sampling stations in Louisiana harvest waters. These stations are sampled every month, and further checking is done as needed. State technicians analyze the samples in one of the department's laboratories located in New Orleans or Lake Charles. Also, Plaquemines Parish has a certified laboratory and sampling crews to help collect and analyze water samples.

The department checks for fecal coliform (F.C.) bacteria. If F.C. bacteria are found, it means that waste materials, like human feces may have been dumped into the water. State inspectors also analyze shell stock meat samples, as needed.

The laboratories analyze water samples from sampling stations across coastal Louisiana and compare them to NSSP guidelines. Based on results of sample analysis, a reclassification line is drawn on a map showing which areas are presumed safe.

Areas classified as "conditionally approved" are managed under different orders, which are not related to seasonal classification periods. As in all oyster-growing waters, it is the harvester's

responsibility to know and obey the classification status of the area before starting to work in it. The harvester must check the current classification for the area he plans to work in every day. **Oysters may not be harvested for any reason in prohibited areas.**

## How are harvest waters classified?

DHH/OPH provides the classification and reclassification of oyster growing waters.

These waters may be classified as:

- **Approved**
- **Restricted**
- **Conditionally approved**
- **Conditionally restricted**
- **Closed**
- **Prohibited**

The Louisiana Department of Wildlife and Fisheries' (LDWF) Enforcement Division makes sure these classifications are followed. DHH also provides classification maps at posting sites, so harvesters can be familiar with the various classifications.

DHH/OPH uses a two-season, four-period program for classifying or reclassifying oyster growing areas that have not been classified as conditionally approved.

DHH provides reclassification maps for viewing by harvesters at a public meeting before the effective date of the reclassification period. The announcement of the meeting time and place is made by a notification to all posting sites.

The department classifies and reclassifies oyster harvest areas through the use of bacteriological data and the results of sanitation surveys. Classification guidelines are explained in the **National Shellfish Sanitation Program Model Ordinance**. The LDWF enforces compliance with

the reclassification line used to separate area classifications. **Permits for transplanting or relaying oysters from a closed area are granted only if the area of concern meets or exceeds restricted area criteria as specified in the NSSP Model Ordinance and the applicant meets all the DHH criteria for receiving the permit.**

## What do you do if you disagree?

If you do not agree with the classification/reclassification of an oyster harvest area, or if you think a mistake has been made in the process, you may appeal by:

1. **Obtaining an appeals form from the Chairman of the Appeals Committee;**
2. **Completing the appeals form with as much information as possible and attaching a map (if possible); and**
3. **Sending the completed form to the Chairman of the Appeals Committee.**

## The appeals process

For consideration by the Appeals Committee, the appeal must be received by the Chairman no later than five working days after the reclassification period maps have been shown to the public. **Absolutely no appeals will be acted upon after the effective date of the period of concern.**

The Appeals Committee will meet with a representative of the Office of Public Health and The Louisiana Department of Wildlife and Fisheries to review the information and make sure that the information in question has been properly classified.

The Chairman of the Appeals Committee will then forward the written findings of the committee to the person who made the appeal. If the complainant is not satisfied with the decision of the appeals committee, he may ask for an

administrative hearing, as provided in the LAC 51, Part 1. Requests for administrative hearings must be sent to:

State Health Officer  
Department of Health and Hospitals  
6867 Bluebonnet Blvd.  
Baton Rouge, LA 70810

Upon receipt of the request, a hearing officer will be appointed to review the appeal. The hearing officer will make a recommendation after hearing the appeal and will send his decision to the State Health Officer. The State Health Officer is the final authority in the classification or reclassification of oyster growing waters.

## Penalties for illegal harvesting

It is illegal to harvest oysters from waters that are not approved by the State Health Officer. Harvesting oysters from closed waters is an LDWF Class IV violation under state law. If convicted of the violation, the penalties include:

### First offense:

\$400-\$750 fine or imprisonment for no more than 120 days, or both.

### Second offense:

\$750-\$3,000 fine and imprisonment for no less than 90 days or more than 180 days plus forfeiture of all property seized in connection with the violation.

### Third offense:

\$1,000-\$5,000 fine and imprisonment for no less than 180 days or no more than two years, plus forfeiture of property seized in connection with the violation.

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The Oyster Harvest Program is managed by the Louisiana Department of Health and Hospitals Office of Public Health. The Louisiana Department of Wildlife and Fisheries is the state enforcement agency. If you have any questions about the Oyster Harvest Program, you may contact one of the following agencies.

For questions concerning water classifications call:

**Louisiana Department of Health and Hospitals Office of Public Health Molluscan Shellfish Program**  
6867 Bluebonnet, Box 16  
Baton Rouge, LA 70810  
Ph: 225-763-3571  
Fx: 225-763-3553  
1-800-256-2775  
www.oph.dhh.state.la.us

For useful information on becoming certified to process and distribute oysters, or to obtain a permit to transplant oysters call:

**Louisiana Department of Health and Hospitals Office of Public Health Commercial Seafood Inspection Program**  
6867 Bluebonnet Blvd., Box 13  
Baton Rouge, LA 70810  
Ph: 225-763-3542

For information about enforcement contact:

**Department of Wildlife and Fisheries Enforcement Division**  
2000 Quail Dr.  
Baton Rouge, LA 70808  
Ph: 225-765-2469  
Fx: 225-765-2832  
1-800-442-2832  
www.wlf.state.la.us

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This brochure was developed by the Department of Health and Hospitals/Office of Public Health (DHH/OPH). It will provide you information about harvesting oysters in Louisiana, and let you know how you can help the Shellfish Harvest Program make harvesting and consumption safer for everyone. For the purposes of this brochure, oysters are officially included under the general term "molluscan shellfish."

## Did you know?

Eating raw oysters, clams or mussels taken from contaminated waters can make people very sick.

## Diseases caused by tainted raw oysters

Diseases known to come from eating contaminated shellfish include typhoid fever, infectious hepatitis, gastroenteritis and cholera. These illnesses are caused by viruses and bacteria, which enter oysters and other molluscs through water contaminated by the illegal overboard discharge of human waste.

Gastroenteritis is a disease of the intestinal tract that is transmitted by people. Its symptoms include diarrhea, cramps, vomiting and headaches which begin 3 to 52 hours after eating contaminated oysters. The disease lasts an average of 36 hours, but can persist for up to nine days. Safe harvesting, handling and processing of seafood is vital to good health, which is why Louisiana belongs to the National Shellfish Sanitation Program (NSSP) of the Interstate Shellfish Sanitation Conference (ISSC). [www.ISSC.org]

## The role of the NSSP

The National Shellfish Sanitation Program (NSSP) is the federal/state cooperative program recognized by the U.S. Food and Drug Administration (FDA) and the Interstate Shellfish Sanitation Conference (ISSC) for the sanitary control of shellfish produced and sold for human consumption.

The purpose of the NSSP is to promote, and improve the sanitation of shellfish moving in interstate commerce throughout federal/state cooperation and uniformity of State shellfish programs. Other components of the NSSP include program guidelines, State growing area classification and dealer certification programs, and FDA evaluation of State programs. Under the NSSP, DHH/OPH determines Louisiana shellfish growing water classifications as well as inspects and certifies shellfish dealers.

# General Harvesting Rules

Because regulations for harvesting oysters can change, this document is intended for use only as a guide. It does not have the effect of law.

## The following general harvest rules apply to all classified or reclassified harvest areas.

1. All shell stock harvested for either commercial or recreational purposes must come from waters classified or reclassified as approved or conditionally approved by the state health officer.
2. Unless otherwise specified, a 50-yard radius (150 ft.) closure, as measured from the point of waste discharge, exists around all man-made habitable structures. It is illegal to harvest shellfish within this designated area.
3. The State Health Officer can order immediate closures to protect public health or upon request of the LDWF Secretary.

4. When harvesting is affected by a classification/reclassification line, the harvester is responsible for knowing if he is in approved waters.

5. Sometimes buoys or other field markers are used to show the boundaries of classified or reclassified areas. They follow the approximate positions shown on the official classified/reclassified area maps.

Removing or relocating buoys or other field markers by unauthorized personnel will result in immediate closure of the area until such time as the proper boundary can be determined.

6. It is the harvester's responsibility to know the classification of the growing area before conducting any harvest activity. If the area is conditionally managed, it is the harvester's

duty to know if the area is approved for harvesting before performing any type of harvest activity.

7. All oysters onboard a harvest vessel in Louisiana waters shall be considered to be oysters taken from state waters.

8. Vessel captains are required to possess valid oyster harvesting licenses.

9. Oysters for sale or consumption that are harvested from public seed grounds in shellfish growing areas must be landed in Louisiana.

10. Culling of legally harvested oysters is prohibited while in areas closed to harvest.

11. It is illegal to harvest oysters 1/2 hour after sunset to 1/2 hour before sunrise.

12. An official Louisiana molluscan shellfish harvest tag must be applied to each container of oysters. It is imperative that the required harvest information, including harvest area numbers, be placed on tags, and be accurate and legible.

13. Oysters shall be refrigerated in accordance with a time temperature matrix that changes seasonally. This information may be obtained from seasonal classification maps.

**Illegal harvest activity may be reported day or night to the Louisiana Department of Wildlife and Fisheries  
800-442-2511**

## Posting Sites For Seasonal Reclassification Map Updates

**Center of Environmental Health Services  
Molluscan Shellfish Program**  
6867 Bluebonnet Blvd.  
Baton Rouge, LA 70810  
Telephone: (225)763-3571  
Toll Free: 1-800-275-2776

**Louisiana Dept of Wildlife and Fisheries  
Enforcement Division**  
2000 Quail Drive  
Baton Rouge, LA 70898  
Telephone: (225)765-2989  
Toll Free: 1-800-442-2511

**US Food and Drug Administration**  
5353 Essen Lane  
Baton Rouge, LA 70809  
Telephone: (225)757-7749

### St. Tammany Parish

**Louisiana Dept. of Wildlife and Fisheries**  
52282 U. S. Highway 90  
Slidell, LA 70461  
Telephone: (985)646-6441

### Orleans Parish

**\*Louisiana Dept. of Wildlife and Fisheries  
Marine Fisheries Division**  
1600 Canal Street, Suite 306  
New Orleans, LA 70112  
Telephone: (504)568-5685

### St. Bernard Parish

**St. Bernard Parish Health Unit**  
2712 Palmisano Blvd., Bldg. C  
Chalmette, LA 70043  
Telephone:(504) 278-7410

### Hopedale Marina & Convenience Store

4618 Hopedale Highway  
St. Bernard, LA 70085  
Telephone:( 504) 676-1244

### Pip's Place

6404 Hopedale Highway  
St. Bernard, LA 70085  
Telephone: (504) 676-3747

### Campo's Marina

1301 Yscloskey Hwy  
St. Bernard, LA 70085  
Telephone: (504) 676-1379

### Delacroix Island Fire Station Complex Engine #12

8201 W. Judge Perez Dr.  
Chalmette, LA 70043  
Telephone: (504) 278-4275

### Plaquemines Parish

**Plaquemines Parish Health Dept.**  
3706 Main Street  
Belle Chasse, LA 70037  
Telephone: (504) 394-3510

### Plaquemines Parish

**Water Quality Laboratory**  
138 Edna Lafrance Road  
Braithwaite, LA 70040  
Telephone: (504) 392-6690 EXT. 2261

### Delta Marina

317 Rosemarie Drive  
Empire, LA 70050  
Telephone: (985) 657-9726

### Joshua's Marina

309 Buras Boat Harbor Road  
Buras, LA 70041  
Telephone: (985) 657-7632

### Beshel's Marina

212 Marina Road  
Point a la Hache, LA 70082  
Telephone: (985) 333-4469

### Hi Ridge Marina

113 High Ridge Road  
Port Sulphur, LA 70083  
Telephone: (985) 564-2232

### Plaquemines Parish Sheriff's Dept.

123 Civic Drive  
Port Sulphur, LA 70083  
Telephone: (985) 564-2525

### Jefferson Parish

**Jefferson Parish Health Unit**  
111 North Causeway Blvd.  
Metairie, LA 70001  
Telephone: (504) 838-5100

### Jefferson Parish Health Unit

1855 Ames Blvd.  
Marrero, LA 70072  
Telephone: (504) 349-8802

### Lafitte Seaway Marina

5057 Kenal Road  
Lafitte, LA 70067  
Telephone: (504) 689-3148

### Lafitte Harbor Marina

4932 Kenal Road  
Lafitte, LA 70067  
Telephone: (504) 689-2013

### Lafourche Parish

**LSU Marine Extension Service  
South Lafourche Port Commission**  
101 W. 11th Street  
Cut Off, LA 70345  
Telephone: (985) 632-6852

### \*Louisiana Department of Wildlife and Fisheries

468 Texas Gulf Road  
Bourg, LA 70343  
Telephone: (985) 594-4139

### Lafourche Parish Health Unit

2535 Veterans Blvd.  
Thibodaux, LA 70301  
Telephone: (985) 447-0921

### Lockport Civic Complex Town Hall

710 Church Street  
Lockport, LA 70374  
Telephone: (985) 532-3117

### Shamrock Seafood

4328 Highway 1  
Raceland LA 70394  
Telephone: (985)537-3630

### Louisiana Dept. of Environmental Quality Bayou Lafourche Regional Office

104 Lococo Drive Ste. 2  
Raceland, LA 70394  
Telephone: (985) 532-6206

### Terrebonne Parish

#### Terrebonne Parish Health Unit

600 Polk Street  
Houma, LA 70360  
Telephone: (985) 857-3770

#### Terrebonne Parish District Attorney's Office

8028 Park Avenue  
Houma, LA 70360  
Telephone: (985) 873-6868

### Wilson's Oysters, Inc.

1981 South Van Avenue  
Houma, LA 70363  
Telephone: (985) 857-8855

### Motivatit Seafood

412 Palm Ave.  
Houma, LA 70364  
Telephone: (985) 868-7191

### Point Au Chein Supermarket

1482 Hwy 665  
Montegut, LA 70377  
Telephone: (985) 594-4474

### Madison Seafood Company

2166 Highway 55  
Montegut, LA 70377  
Telephone: (985) 594-4115

### Dularge Sporting Goods

3270 Bayou Dularge Road  
Theriot, LA 70397  
Telephone: (985) 879-2307

### Louisiana Cooperative Extension Service

511 Roussell  
Houma, LA 70360  
Telephone: (985) 873-6495

### Bayou Dularge Volunteer Fire Department

1038 Falgout Canal Road  
Theriot, LA 70397  
Telephone: (985) 872-0976

### St. Mary Parish

#### St. Mary Parish Health Unit

1200 David Drive  
Morgan City, LA 70380  
Telephone: (985) 380-2441

#### Morgan City Town Hall

512 1st Street  
Morgan City, LA 70380  
Telephone: (985) 385-1770

### St. Mary Seafood

155 Intracoastal Road  
Franklin, LA 70538  
Telephone: (337) 923-7607

### Iberia Parish

**\*Louisiana Department of Wildlife and Fisheries**  
2415 Darnall Rd.  
New Iberia, LA 70560  
Telephone: (337) 373-0032

### Iberia Parish Health Unit

Court House Annex  
121 West Pershing St.  
New Iberia, LA 70560  
Telephone: (337) 373-0021

### Vermilion Parish

#### Vermilion Parish Health Unit

401 South St. Charles Street  
Abbeville, LA 70510  
Telephone: (337) 893-1443

### Calcasieu Parish

#### \*Louisiana Department of Wildlife and Fisheries

1213 North Lakeshore Drive  
Lake Charles, LA 70601  
Telephone: (337) 491-2580

#### Calcasieu Parish Health Unit

3236 Kirkman St.  
Lake Charles, LA 70602  
Telephone: (337) 478-6020

### Cameron Parish

#### Cameron Parish Health Unit

107 Recreation Center Lane  
Cameron, LA 70631  
Telephone: (337) 775-5368

### State of Alabama

#### Alabama Public Health Seafood Branch

4168 Commanders Drive  
Mobile, AL 36615  
Telephone: (251) 432-7618

### State of Mississippi

#### Mississippi Department of Marine Resources

1141 Bayview Avenue, Suite 101  
Telephone: (228) 374-5000  
Toll Free: 1-800-374-3449  
Biloxi, MS 39530

\* Oyster tags are available for purchase from those LDWF offices prefixed with an (\*). Payments for all tags must be made by check or money order only except those purchased in New Orleans.

